

**AMENDED
WEST HARTFORD TOWN COUNCIL MEETING
DECEMBER 13, 2016
LEGISLATIVE CHAMBER**

ITEM #1 - MEETING CALLED TO ORDER AT 7:52 P.M.

ITEM #2 - PLEDGE OF ALLEGIANCE

ITEM #3 - ROLL CALL: COUNCILORS BARNES, CANTOR, CASPERSON, DAVIDOFF, HALL, KERRIGAN, WENOGRAD AND WILLIAMS WERE PRESENT. COUNCILOR DODGE WAS ABSENT. ALTERNATE SWEENEY WAS PRESENT.

ITEM #4 – APPROVAL OF MINUTES – RECEIVED

President Cantor: Thank you, Ms. Labrot. Number four, Mr. Davidoff.

Vice-President Davidoff: Thank you, Madam Mayor. I move approval of the Town Council Meeting Minutes of 11/9/2016, as well as the Minutes of the Public Hearing on the Ordinance Establishing Revised Standards for Ground-Mounted Solar Energy Systems of 11/9/2016.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries.

ITEM #5 - PUBLIC FORUM

President Cantor: Number five is the Public Forum. Public Forum section of the Town Council Meeting is for comments from the public on something that is on the Agenda that we have not, is not subject to a Public Hearing. There is nobody signed up, but if there's anybody in the audience that would like to speak to something on the Agenda that is not the subject of a Public Hearing? No. Okay. Number six, Mr. Davidoff.

ITEM #6 - CONSIDERATION OF CONSENT CALENDAR – ITEMS 12, 15, 18 AND 23-31 TO RECEIVE

Vice-President Davidoff: Thank you, Madam Mayor. I move that we place items 12, 15, 18, 23-31 on the Consent Calendar.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number seven, Mr. Davidoff.

UNFINISHED BUSINESS:

ITEM #7 - APPLICATION (SDD #147) ON BEHALF OF TONGJAN PROPERTIES, LLC, TO REZONE 1043 FARMINGTON AVENUE FROM RMO, RESIDENTIAL/MULTIFAMILY-OFFICE DISTRICT, TO RO, RESIDENCE-OFFICE DISTRICT, AND THEN TO DESIGNATE THE REZONED PARCEL AS A SPECIAL DEVELOPMENT DISTRICT. THE APPLICANT REQUESTS THE USE OF THE SECOND FLOOR FOR PROFESSIONAL OFFICE SPACE. THE THIRD FLOOR WILL BE USED AS STORAGE SPACE. THE RESIDENTIAL APPEARANCE OF THE BUILDING WILL NOT BE CHANGED AS A RESULT OF THIS ZONE CHANGE REQUEST.

Vice-President Davidoff: Thank you, Madam Mayor. I move that we approve the Application (SDD #147) on behalf of Tongjan Properties, LLC, to rezone 1043 Farmington Avenue from RMO, Residential/Multifamily-Office District, to RO, Residence-Office District, and then to, then to designate the re-parceled zone as a Special Development District. The applicant requests the use of the second floor for professional office space. The third floor will be used as storage space. The residential appearance of the building will not be changed as a result of this zone change request.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. Any discussion? This is going to be a roll call vote because we had a Public Hearing on this. And this is a, a change from RMO to RO, Residential-Office. There was outreach to the community. There has been several other properties in the neighborhood also that have had the same kind of a dynamic because of rental properties in that area when you have a, a different use, a medical use on the bottom floor, I guess it's been difficult and there would be use for that second floor apartment. So any other comments or? Yes, Mr. Davidoff.

Vice-President Davidoff: Thank you, Madam Mayor. I will be supporting this application this evening and I'd like to thank the applicant, Dr. Gaudio, for remaining in West Hartford to pursue the expansion of his, his practice, his medical office. Sometimes when one needs to, more space, they may look for other parcels in other communities to, to accommodate that, but this is not the occasion here. Basically, you have a successful West Hartford business that is basically re-using their space more efficiently to serve its end-goal, which is helping those who may have eye disease and things of that nature. With respect to the parking that was discussed, and I think that's important to get into the record at this point, the parcel's three spaces short with respect to our, our code and an approval of this will act as a waiver of that requirement. And I think as the applicant demonstrated during the Public Hearing, there won't be a need for those three spaces, that the shortage will, will not dictate a need for those spaces, so I feel comfortable with the applicant's answer to that inquiry. So with that said, I think it's in harmony with those other parcels that the applicant's attorney mentioned along Farmington Avenue that also are in the R-O Zone and I don't want to go through all the addresses but there are others so this is not like a unique parcel. And with respect to the objection raised by some of the members on the TPZ, I don't really see this as more creep of office in our business center, especially since this parcel has been used as a medical office since the doctor occupied this space. So for all those reasons, I'll wholeheartedly support this application this evening.

President Cantor: Well said, Mr. Davidoff. Any other, oh, Mrs. Hall?

Councilor Hall: You know, as, as a rule of thumb, I, I always am very leery about changing the zoning because I always feel like when you, you have some certainty in West Hartford. When you buy a piece of property, you know what's zoned around you. And so I, I take changing zoning codes very, very seriously. But I think in this instance, we have a situation where the change is minute. Making it an SDD gives the Town Council even greater authority over what could happen in this property. Any future changes would have to come back to us, and I, I think it will probably end up in a usage that is more favorable to the, the neighborhood than the potential of having a whole lot of college students in, you know, late at night with, with a car. So with that, I will support this and good luck to you. Thank you again for investing in West Hartford.

President Cantor: Thank you, Mrs. Hall. Also well said. Any other comments? I also want to thank the applicant. Thank you, Mr. Franklin, for your, Attorney Franklin, for your presentation. Thank you for your investment in the community and, a continued investment in the community, and I, I also will be supporting the project. And if there's nothing further, we can go to the roll call.

Ms. Labrot: Mr. Barnes?

Councilor Barnes: Yes.

President Cantor: Sorry.

Mr. Alair: You have to move the conditions that I just passed out.

President Cantor: Oh, I apologize. I'm sorry, when I did it, I thought it was for something else.

Councilor Barnes: I take my vote back.

Mr. Alair: And I will note for the record that I shared the draft conditions with counsel for the applicant just before the Hearing began.

President Cantor: Thank you. Okay, Mr. Davidoff, can you make the motion?

SDD # 147
1043 Farmington Avenue
Conditions of Approval

1. Approval of Application

The Town Council hereby finds that the proposed plan, as approved, will be:

- a. In harmony with the overall objective of the Comprehensive Plan, as defined in Article I of this chapter.
- b. Superior to a plan possible under the regular standards of the Town's zoning ordinances.
- c. In harmony with the actual or permitted development of adjacent properties.

The application is hereby approved, subject, however, to the "Conditions of Approval" set forth below.

2. Conditions of Approval

a. Official Plans

Implicit in the approval of the Special Development District is the condition that the premises shall be used only in accordance with the official application materials, plans and associated exhibits related to the application as supplemented or modified by any amended plans and documents or representations submitted during the public hearing process. Any other use shall require the express approval of the Town Council in accordance with the Zoning Ordinances of the Town of West Hartford.

b. Premises Contact

The Applicant shall provide the Town Planner, from time to time, as necessary, with the name (or title) of a person and a telephone number where that person can be reached or where messages for that person may be left, to act as a liaison between the Town and the Applicant. The identity of the party and the telephone number may be changed from time to time by notice to the Town Planner. If different individuals should be contacted regarding different aspects of operations within the area of the Special Development District, multiple contact people should be designated as necessary. This information shall also be provided to any adjoining property owner requesting same.

c. Solid Waste-Operational Condition

Solid waste collection shall be the responsibility of the property owner/manager.

Solid waste collection within the Special Development District shall be permitted between 10:00 a.m. and 3:00 p.m. on weekdays.

d. Special Site Use or Operational Requirements

i. Maintenance Plan

The Applicant shall, prior to the filing of the Special Development District on the Land Records, submit for review and approval by the Town Manager or his designee, a yearly maintenance plan for the Special Development District. Said plan shall designate the individuals responsible for establishing maintenance objectives and an ongoing schedule of maintenance activities to ensure the aesthetic quality and cleanliness of the site. The maintenance plan shall include, but not be limited to, a timetable for all required installation and maintenance activities with respect to plantings, landscaping and screening, sidewalks, lighting, signage, storage, refuse and litter control, building exteriors and other site amenities proposed in the plans. The maintenance plan shall also contain provisions dealing with snow removal from those pedestrian walkways for which the Applicant is responsible. Specifically, the snow removal plan shall call for the removal from required walkways of all snow or ice deposits so as to render those walkways safe for pedestrian passage at all times. Accumulated snow which is stored on-site shall not encroach into parking spaces or vehicular travelways.

ii. Landscaping and Fencing

Applicant will maintain all landscaped areas including mowing, weeding and brush removal and be responsible for replacement of plantings where necessary.

iii. Site Lighting

All outdoor lighting shall be down-shielded so as to prevent glare onto adjoining properties.

e. Utilities to be underground

Any new electrical, telephone, cable television and other utility services shall be placed underground.

f. Computer Media Information

All mapping and construction plans shall be prepared in electronic format using the Connecticut Geodetic System for inclusion into the Town's Geographical Information System.

g. Final Plan Review

Implicit in the SDD approval is the requirement that the record plans and exhibits establish the minimum standard of design and improvement for this project. As specific drawings for the project are prepared, refined and detailed, the filed SDD plans and exhibits shall serve to identify the major standards for the quality of design and improvements. The Town Planner in cooperation with Town staff, including but not limited to the Fire Department and the Community Services Department, shall coordinate the final review and approval of the project design to insure compatibility and consistency with the Special Development District Plans approved by the Town Council. No building permit shall be issued and construction shall not begin until all appropriate Town Departments have reviewed and approved the plans as submitted to the Town.

h. Final Plans

Final plan submissions and supporting documents shall address the Town Council conditions of approval.

Vice-President Davidoff: Madam Mayor, I move we adopt the standard Conditions of Approval for 1043 Main Street with respect to the Special Development District.

President Cantor: Farmington Avenue.

Vice-President Davidoff: I'm sorry... 1043 Farmington Avenue with respect to the Special Development District.

Councilor Kerrigan: Second.

President Cantor: The motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Sorry, Mr. Alair. All those papers going by, I didn't know. Okay. Roll call now.

Councilors Barnes, Cantor, Casperson, Davidoff, Hall, Kerrigan, Wenograd, Williams and Alternate Sweeney voted YES.

Ms. Labrot: It's unanimous.

President Cantor: And you know we have had meetings prior, so we're already a little punchy. I want to thank Mr. Sweeney for filling in for Mr. Dodge tonight whose back went back out and he cannot sit right now. So I thank you very much, Mr. Sweeney, and you're free to sit there or you're free to go. Number eight, Mr. Davidoff.

ITEM #8 - RESOLUTION AUTHORIZING THE TOWN MANAGER TO OBTAIN EASEMENTS FROM THE STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, FOR THE TOWN OF WEST HARTFORD PARK ROAD/I-84 IMPROVEMENTS

ADOPTED, 8-0

Vice-President Davidoff: Thank you, Madam Mayor. I move we approve a Resolution authorizing the Town Manager to obtain Easements from the State of Connecticut, Department of Energy and Environmental Protection, for the Town of West Hartford Park Road / I-84 Improvements.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. Mr. Van Winkle. Mr. McGovern.

Mr. Van Winkle: Mark McGovern, Director of Community Services, has got several things on the Agenda tonight, so I'm going to let him explain these.

Mr. McGovern: Good evening. Mark McGovern, Director of Community Services. Item number eight is a Resolution authorizing the execution of easements that the Town will receive from the Department of Environmental Protection. These are easements to support our Park Road/84 project. Two easements are on each side of Park Road; one from the existing off-ramp down to Raymond Road. That's on the south side. On the north side is from the pedestrian bridge down to the first home on Park Road. It's not stated in the Resolution, but I do want to bring up the fact that we are paying \$5,000 for these easements. The reason it's not in the Resolution is because we discussed this some time ago with the State. We objected to it. We thought the issue was settled. After this Resolution was introduced to you and referred to TPZ, the State came back to us and, and asked us to include it in the Resolution, and we felt that it was a nominal cost in a rather large project and wanted to proceed, so I just wanted to make sure that that was on the record, that these two easements will cost a total of \$5,000...one time.

President Cantor: Thank you, Mr. McGovern. Any comments or questions? Okay. If not, all those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number nine, Mr. Davidoff.

ITEM #9 - RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A LEASE OF CERTAIN LAND AT SEDGWICK ROAD

ADOPTED, 8-0

Vice-President Davidoff: Thank you, Madam Mayor. I move we adopt the Resolution authorizing the Town Manager to execute a Lease of Certain Land at Sedgwick Road.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. Mr. McGovern.

Mr. McGovern: Yes. This is a lease for \$100 a year for 10 years for a piece of property that's about 65 square feet on town land right next to the parking area in front of the Cork and Bottle Package Store on Sedgwick Road, 17 and 19 Sedgwick Road. This is a lease that had been negotiated with the previous owner of the property but then never executed, and this is what the present owner who has, in fact, built the dumpster pad and the new dumpsters are there, which is a better configuration for the new parking lot that's just been paved at that smaller retail building.

President Cantor: Thank you, Mr. McGovern. Any questions or comments? All right. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number 10, Mr. Davidoff.

NEW BUSINESS:

ITEM #10 - APPLICATION ON BEHALF OF SERITAGE SRC FINANCE, LLC ("APPLICANT"), OWNER OF 1445 NEW BRITAIN AVENUE, WEST HARTFORD, CONNECTICUT (THE "PROPERTY"). THE APPLICANT REQUESTS MODIFICATIONS TO THE EXISTING SPECIAL DEVELOPMENT DISTRICT ("SDD") #6, LOCATED AT 1445 NEW BRITAIN AVENUE. THE REQUESTED MODIFICATIONS INCLUDE THE REDEVELOPMENT OF BOTH THE SEARS RETAIL STORE AND THE SEARS AUTO CENTER INTO MULTIPLE RETAIL AND RESTAURANT TENANTS. THE REDEVELOPED RETAIL BUILDING WILL CONTAIN APPROXIMATELY 151,750 SQUARE FEET AND THE REDEVELOPED AUTO CENTER WILL CONTAIN APPROXIMATELY 34,250 SQUARE FEET (WHICH INCLUDES 13,300 SF OF UNUSABLE BASEMENT SPACE). THE FACADES OF BOTH BUILDINGS WILL BE UPDATED AND REFURBISHED. ASSOCIATED SITE IMPROVEMENTS INCLUDING MODIFICATIONS TO SITE PARKING, SIGNAGE, AND LANDSCAPING ARE ALSO REQUESTED

SET FOR PUBLIC HEARING ON JANUARY 24, 2017, AT 6:45 P.M. AND REFERRED TO TPZ AND DRAC

(See Attachment A for an overview of the Application. The complete Application and Plans are on file in the Town Clerk's Office.)

Vice-President Davidoff: Thank you, Madam Mayor. I move that we set for Public Hearing on January 24, 2017 at 6:45 in the Legislative Chamber and refer to TPZ and DRAC an Application on behalf of Seritage SRC Finance, LLC, Applicant, owner of 1445 New Britain Avenue, West Hartford, Connecticut, the Property. The Applicant requests modifications to the existing Special Development District (SDD #6) located at 1445 New Britain Avenue. The requested modifications include the redevelopment of both the Sears retail store and the Sears auto center into multiple retail and restaurant tenants. The redeveloped retail building will contain approximately 151,750 square feet and the redeveloped auto center will contain approximately 34,250 square feet, which includes 13,300 square feet of unusable basement space. The facades of both buildings will be updated and refurbished. Associated site improvements including modifications to site parking, signage, and landscaping also are required.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. Did you do the referrals?

Vice-President Davidoff: I did.

President Cantor: You did? Okay. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number 11, Mr. Davidoff.

ITEM #11 - ORDINANCE RENAMING AND REORGANIZING ADMINISTRATIVE DEPARTMENTS OF THE TOWN OF WEST HARTFORD

SET FOR PUBLIC HEARING ON JANUARY 10, 2017, AT 7:15 P.M.

WHEREAS West Hartford Charter, Ch. VI, §1 and West Hartford Charter, Ch. VIII, § 1 establish a "department of employee services"; and

WHEREAS West Hartford Charter, Ch. VIII, §2 also makes reference to the "department of employee services"; and

WHEREAS the Town's Department of Employee Services and the West Hartford Board of Education's Department of Human Resources have integrated their functions in recent years; and

WHEREAS modern industry practices have standardized upon the use of the term "Department of Human Resources" so that references to the Town's Department of Employee Services are unclear and confusing to people outside our organization; and

WHEREAS it has also become apparent that the term "Department of Human Services" is not well understood

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT:

Section One. Section 12-1 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

A. There shall be within the Town government the following administrative departments:

- (1) Department of Financial Services.
- (2) Department of [Human]Social Services.
- (3) Department of Employee Services. This department may also identify itself as the Department of Human Resources in order to conform to industry standards and to better convey its purpose to the public at large. Any reference in this Code to the Department of Human Resources shall be construed as a reference to the Department of Employee Services.
- (4) Department of Public Works.
- (5) Department of Public Safety, comprised of a Police Department, a Fire Department and a Director of Civil Defense.
- (6) Department of Administrative Services.
- (7) Department of Leisure Services.
- (8) Department of Community Services.
- (9) Department of Facility Services.

B. The Town Manager may create functional divisions within a department, subject to approval by the Town Council.

Section Two: Section 12-47 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

The Department of Employee Services is hereby created under the authority of Section 1 of Chapter VI of the Town Charter. This department may also be known as the Department of Human Resources. Any reference in this Code to the Department of Human Resources shall be construed as a reference to the Department of Employee Services.

Vice-President Davidoff: Item Number 11. I move that we set for Public Hearing on January 10, 2017 at 7:15 in the Legislative Chamber an Ordinance Renaming and Reorganizing Administrative Departments of the Town of West Hartford.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Okay, twelve is consent. Number 13, Mr. Davidoff.

ITEM #13 - RESOLUTION TO APPROPRIATE \$210,000 IN THE FISCAL YEAR 2016-2017 CEMETERY TRUST FUND BUDGET TO PROVIDE ADDITIONAL FUNDING IN THE FISCAL YEAR 2016-2017 CAPITAL PROJECTS FUND BUDGET FOR FAIRVIEW CEMETERY IMPROVEMENTS

ADOPTED, 8-0

WHEREAS, the Cemetery Trust Fund was established to account for donations, sale of lots, charges for services and other resources provided for the care, maintenance and improvement of Town owned cemeteries, and

WHEREAS, Fairview Cemetery is currently undergoing renovations consisting of repairs to the office roof, reconfiguring and remodeling the office space, and renovating the on-site chapel to make it a useable space for services, and

WHEREAS, during this renovation significant structural deficiencies and moisture issues have been discovered that must be addressed in order to maintain the structural integrity of the building, and

WHEREAS, the estimated cost of this additional work is \$210,000 and there are sufficient funds in the Reserve for Permanent Account of the Cemetery Fund to finance said improvements and such capital expenditures are an allowable cost under the terms of the Trust Fund,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD that \$210,000 of the Reserve for Permanent Account in the Cemetery Trust Fund be appropriated to fund the Fairview Cemetery capital project in the Capital Projects Fund and the fiscal year 2016-2017 budgets of the Cemetery Trust Fund and Capital Projects Fund are hereby amended as follows:

Cemetery Trust Fund

Estimated Revenues

71-310900-30309-9399	Cemetery-Reserve for Permanent Account	\$210,000
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Appropriations

71-301900-30309-4058	Transfer to Capital Projects Fund	\$210,000
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Capital Projects Fund

Estimated Revenues

41-811730-80001-9386	Transfer from Cemetery Fund	\$210,000
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Appropriations

41-811730-80001-3073 Building Improvements \$210,000

Vice-President Davidoff: I move we adopt a Resolution to appropriate \$210,000 in the Fiscal Year 2016-2017 Cemetery Trust Fund Balance, Trust Fund Budget to Provide Additional Funding in the Fiscal Year 2016-2017 Capital Projects Fund Budget for Fairview Cemetery Improvements.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. Mr. Van Winkle, could you?

Mr. Van Winkle: Yes, thank you, Mayor. We have been doing work on the chapel at the cemetery, and in the work that we've done, we've uncovered water penetration damage in that old stone building. And it, we need to do some additional work to the, to the amount of \$210,000 to secure the building and make sure it is water, water-tight. And so the funds here come from our Cemetery Reserve that we have accumulated for, through the sale of cemetery plots in the area. This should make that building fully usable and water-tight.

President Cantor: Okay. Mr. Barnes?

Councilor Barnes: Yeah. I just have a, a follow-up question. I'm not, I, I know, I recall the outside of the building in the, in the cemetery there but the, the amount of \$210,000 strikes me as a lot of money to, to address a water issue. Can you provide any more detail?

Mr. Van Winkle: Well, first of all, it is a lot of money.

Councilor Barnes: Yeah.

Mr. Van Winkle: Old stone buildings, water penetrates in between the block and so what you end up doing is taking the mortar out between all of the blocks to keep the moisture out, whether it's the moisture that comes from the ground and penetrates the building or the moisture that comes from the rain. So there, this building was built, I don't know, 100 years ago and it just needs a substantial amount of work to make it water-tight. So it, it, it's not just painting for water-tightness or something else. It's a substantial amount of work to, to make sure that stone building is water-tight.

Councilor Barnes: Okay. Thank you.

President Cantor: Thank you, Mr. Barnes. Mrs. Hall?

Councilor Hall: I just wanted to point out while we're always conscious about the money there, by, this is a beautiful building from the outside. The inside is you can clearly tell how much work it needs. But also, there is potential revenues sources going forward because...we've talked to a number of the funeral homes in the area and, and when there's inclement weather, we could actually use this building going forward for services where the Town would get reimbursed. So it's nice to know that we could actually have a revenue source at the cemetery, you know, with, with this building going forward.

President Cantor: And that would go back into the Fund to replenish the money over time, yeah. A good point. Any other comments? All right. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number 14, Mr. Davidoff.

ITEM #14 - RESOLUTION TO APPROPRIATE GRANTS FUNDS AWARDED UNDER THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION'S LOCAL BRIDGE PROGRAM FOR BRAEBURN ROAD CULVERT DESIGN SERVICES

ADOPTED, 8-0

WHEREAS, the Town of West Hartford has received a grant under the Local Bridge Program for design and rehabilitation of the Braeburn Road Culvert over Trout Brook, and

WHEREAS, the total estimated project cost is \$274,234, and

WHEREAS, the Town of West Hartford, Engineering Division will receive approximately \$128,863 in reimbursement for said design and rehabilitation services, and

WHEREAS, the preliminary grant funds awarded for the project totaled \$62,544.26 and the Town desires to appropriate the additional funding of \$66,318.74, and

WHEREAS, the Town of West Hartford will be required to match the grant with approximately \$145,371 in Town funds which are available within existing appropriations,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD that the fiscal year 2016-2017 budget of the Capital Projects Fund is hereby amended as follows:

Estimated Revenue

41-871649-80003-9071	State Grant Revenue	\$66,318.74
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Increase Appropriations

41-871649-80003-3013	Engineering Services	\$66,318.74
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Vice-President Davidoff: Thank you, Madam Mayor. I move we adopt a Resolution to appropriate Grants Funds Awarded under the State of Connecticut Department of Transportation's Local Bridge Program for Braeburn Road Culvert Design Services.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. Mr. McGovern.

Mr. McGovern: Good evening again. So this Resolution would appropriate funds from the Department of Transportation to rehab the Braeburn Road culvert not the road surface itself but the culvert under the road that permits Trout Brook to flow under it. When the project was originally awarded, we were awarded \$62,500. More analysis was done and the project costs went up and so the project went from \$133,000 to \$274,000. So this would authorize the receipt of an additional \$66,318 from the State DOT on this matching program.

President Cantor: Thank you, Mr. McGovern. Any questions or comments? Okay. All right.
All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Thank you, Mr. McGovern. Motion carries. Number 16,
Mr. Davidoff.

**ITEM #16 - RESOLUTION TO ADOPT A FUND BALANCE POLICY FOR THE TOWN
OF WEST HARTFORD'S GENERAL FUND**

ADOPTED, 8-0

WHEREAS, the Government Finance Officers Association recommends that governments establish a formal policy on the level of unrestricted fund balance in the General Fund, and

WHEREAS, the Town of West Hartford recognizes that adoption of a formal fund balance policy for the Town's General Fund is financially prudent and demonstrates its commitment to take all practical steps to maintain the highest credit rating,

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE
TOWN OF WEST HARTFORD** hereby adopts the fund balance policy attached hereto.

**Fund Balance Policy – General Fund
Town of West Hartford**

The Government Finance Officers Association (GFOA) recommends that governments establish a formal policy on the level of unrestricted fund balance in the General Fund. Credit agencies are in general agreement with this GFOA recommendation as they carefully monitor levels of unrestricted fund balance in a government's General Fund in order to properly evaluate a government's continued creditworthiness. The Town of West Hartford (Town) is in agreement and believes that in order to ensure the long-term economic stability of the Town, a policy that requires maintaining a prudent level of financial resources in order to protect against reducing service levels or raising taxes and fees as a result of unforeseen catastrophic events, unexpected revenue shortfalls, or unpredicted one-time expenditures, is necessary. Furthermore, the Town recognizes that the creation of a formal fund balance policy for the General Fund is essential to preserve and maintain our Triple "A" credit rating.

Accordingly, the Town seeks to maintain an annual minimum unrestricted fund balance in the General Fund of 7.5% of expenditures as stated in the General Fund Schedule of Expenditures and Other Financing Uses Budget and Actual (NON-GAAP BUDGETARY BASIS) in the Town's most recent Comprehensive Audited Financial Report. Should the unrestricted fund balance fall below 7.5%, the Town will take all necessary steps to restore it to at least 7.5% as soon as practical.

The Town intends to limit its unrestricted fund balance in the General Fund to no more than 15% of the audited General Fund Expenditures as stated in the General Fund Schedule of

Expenditures and Other Financing Uses Budget and Actual (NON-GAAP BUDGETARY BASIS) in the Town's most recent Comprehensive Audited Financial Report.

Amounts in excess of 15% will be available for appropriation for the following purposes:

1. **Tax Relief Purposes:** Excess unrestricted fund balance may be used for tax relief purposes. This is allowable only when that tax relief is part of an overall strategy that is intended to smooth out projected tax levy increases over a multiyear period.
2. **Unanticipated Operating Expenses:** Excess unrestricted fund balance may be used to offset operating budget expenses in extraordinary cases where those expenses are unanticipated and substantial and/or are projected to occur over a multiyear period.
3. **Recurring Capital Projects:** Excess unrestricted fund balance may be used for recurring capital projects including, but not limited to, Arterial Street Reconstruction, Neighborhood Street Reconstruction, Street Resurfacing and Town Building Improvements.

The Town acknowledges that a drawdown of excess fund balance to mitigate tax increases or to support operations is essentially a one-time source of funding and, therefore, the Town commits to manage any excess fund balance drawdown(s) in a prudent and fiscally responsible manner. When appropriate, drawdowns of excess fund balance will be utilized over a multiyear period. If a significant drawdown of excess fund balance is proposed for a single fiscal year period, the Town Manager will be required to submit a fiscal analysis to the Town Council outlining the impact that one time revenue will have on the following fiscal year's operating budget.

Any recommended usage of excess fund balance must be proposed by the Town Manager and authorized by the Town Council.

Vice-President Davidoff: Thank you, Madam Mayor. I move we adopt a Resolution to adopt a Fund Balance Policy for the Town of West Hartford's General Fund.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. Mr. Van Winkle.

Mr. Van Winkle: Thank you, Mayor. The Government Finance Officers Association recommends that communities have a fund balance policy. When we, we're a AAA-rated town, and when we sold bonds last time, that question was asked, have we, do we have a, a policy that was adopted by the Town Council? Well, the answer is no, we don't. We have a practice, which isn't any different than what's in this policy in truth, but we never really brought you a, a written worded policy fund balance reserve. Our fund balance is our savings account. It's the money we set aside in the event of something happens that we need additional funds. And so that fund balance that we set aside, today is about 8% of what we spend in the town. And this policy would say that we would as a practice not let that fund balance below, fall below 7.5%. So adopting policy like this is very common. It really just adopts our practice of how we look at our fund balance. You've always maintained a fund balance of 7.5 or more percent over the years.

And so when Standard & Poor's asked us this question this year, we'll be able to say yes, we did. We did adopt it. And then they'll find something else to point out to us we're not doing perfectly well. But, you know, again, we're a AAA-rated town. We, our bonds are, are well sought after, so this will just be another piece to make sure that we have everything correct.

President Cantor: Thank you, Mr. Van Winkle. Mr. Privitera worked on this for a while and, and brought it to Finance and Budget, and we have talked about it. It, it has a limit on how much, you know, if at some point we, we cannot, if we were to come into a lot of money, if the State were to, I'm only teasing, so there would be at some point a point where we would not put money in there and that also directs, it directs the low side, but it also directs the high side. So thank you. Any other questions or comments? All right. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number 17, Mr. Davidoff.

ITEM #17 - RESOLUTION CHANGING DATE OF TOWN COUNCIL MEETING

ADOPTED, 8-0

WHEREAS the Town Council has previously adopted a schedule of meeting dates for the 2017 calendar year which identifies Tuesday, March 14, as the date of the Town Council's first meeting in March and Tuesday, April 11th, as the date of the Town Council's first meeting in April; and

WHEREAS Rule 1 of the Standing Rules of the West Hartford Town Council generally provides that regular meetings of the Town Council are to be held at 7:30 pm on the second and fourth Tuesdays of each month; and

WHEREAS the provisions of West Hartford Charter, Chapter VII, §3, require the Town Manager to present a budget to the Council "not later than one hundred ten days before the end of the fiscal year"; and

WHEREAS March 14, 2017, occurs fewer than one hundred ten days before the end of the fiscal year; and

WHEREAS April 11, 2017, occurs on a holy day of Passover;

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD THAT the date of the first Town Council meeting in March is hereby moved to Wednesday, March 8, 2017; and

BE IT FURTHER RESOLVED THAT the date of the first Town Council meeting in April is hereby moved to Wednesday, April 12, 2017.

Vice-President Davidoff: Thank you, Madam Mayor. I move we adopt a Resolution Changing the Date of Town Council Meetings.

Councilor Kerrigan: Second.

President Cantor: The motion's been made and seconded. This is just a, a shuffling of a couple of dates because of holidays, Passover and the budget meeting, but they will be posted in the normal fashion, and I'm sure you will be aware of when those meetings are so. Anything else? All right. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number 18 is on consent. Number 19, Reports from the Town Manager, Mr. Van Winkle.

ITEM #19 - REPORTS OF TOWN MANAGER

Mr. Van Winkle: Thank you, Mayor. Maybe you have been really nice this year. If you were especially nice, so goes the tale that Santa comes to your house and brings you lots of presents. And if you have so many presents that you can't fit them all into your recycling bin, we're going to have a special collection of the cardboard and, and paperboard that you might have to throw away. So if you find Christmas to be particularly wonderful this year, on December 31 between 8 a.m. and 12 p.m., we will be at the University of Connecticut Greater Hartford Campus parking lot on Trout Brook Drive and you can drop off all your extra Christmas leftovers. Rockledge Golf Course finally closed yesterday. It's been a great fall season for Rockledge. As you know, Rockledge is an award, award-winning golf course. But don't worry, the golf shop will remain open Tuesday through Thursdays, 10 a.m. - 2 p.m. for holiday gift shopping. I'm in the holiday mood here. Christmas and New Year's, we're going to delay trash so we don't pick up on Christmas or New Year's and if your, that's your trash day, it'll be pushed one day as well as all the other days of the week will get pushed forward one day. Starting on December 24, the yard waste recycling center will be closed on Saturdays, and Saturday hours will resume on April 1. And while we're talking about closings, the Town Hall and, and school administrative offices are closed on December 26 and Monday, January 2 of the official days in which we celebrate the holiday. All three libraries will be closed from 2 p.m., after 2 p.m. on December 24 and will be closed on December 25 and 26. The New Year's holidays, the libraries will close at 2 p.m. and they will be closed on Sunday, the first, and January 2. And public schools, of course, are closed during the holiday season starting Monday, December 26 through January 2. I wanted to cover a couple of things that happened, that we talked about this past week. We had Mayor Bronin come to West Hartford to talk about the problems that he's having, and we had some interesting issues with the Metropolitan District Commission. Mayor Bronin was here, we, and I invited him to come and speak about how they got into the hole that they're in. Because of the issues we're having with the MDC, we spent a lot of time looking at the City's finances, looking at the mistakes they made to get to where they may have to declare bankruptcy or may have to take some other drastic action in order to survive. So I learned a lot about the City's finances and problems, and I thought it would be useful for our community to learn about the City and what's going on. It wasn't our intent to bring him in to, to say we're interested in joining him in a regional effort or anything else. We, it was purely to kind of hear his story. If you haven't met Mayor Bronin or heard him talk, he's a, a very smart man who's very articulate and very

articulate about the City's problems. The City made awful decisions over the past several years, and those decisions have led to a problem in this coming year that, you know, that, that looks like they will run out of cash and may have to declare bankruptcy. And so the Mayor is out talking to communities to help them understand, and his plan is to go to the legislature and seek some assistance from the legislature. And there's a lot of things that, that drive the City's problems. It's not only that they made poor financial decisions. You know, 53% of their Grand List is, is nontaxable, which is crazy. Now, they get a PILOT sum and they get a substantial amount of money from the State of Connecticut to aid in their budget. We get a small amount. They get a lot of money to, in their budget. But still, their ability to grow their Grand List is extremely limited and, and in addition to the fact that their mill rate is almost twice ours for commercial properties. So I found it interesting, and our audience, we filled the auditorium. West Hartford is this very civil community. You know, we, we treat people so civilly in this community. I'm not sure he got the same welcome in a, in a meeting last night, but in West Hartford, we had lots of good questions asked of the Mayor, and I think there was some, some real value for the community to kind of understand what he's looking for. I think his next step is to go the legislature and seek some assistance from the State Legislature, so we'll see where that goes. And as I said, the issue, why we looked at the Mayor's finances, was because the Metropolitan District Commission was about to adopt their calendar '17 budget. And when they adopt their budget, they set a sewer tax on the Town of West Hartford on the, on the government of West Hartford. The MDC legally is a, is a city just like us, a town just like us, and so they have the ability to tax. And with the sewer tax, they have the ability to levy a tax on the eight municipalities for the maintenance and operation of the sewers. And the Town of West Hartford pays \$9 million to them in this past fiscal year, and when we first started talking to them, they were talking about \$15 million in payments, and so that got our attention. We spent a lot of time with them looking at options. Our Corporation Counsel, others looked at their options. They really had nothing in their, in their Charter that was going to allow them to deal with the fact that next April the Town of West Hartford says, well, I can't pay my bill, you know, or one of the eight communities says I can't pay my bill. They don't have a, an ability to issue short-term debt. You know, if you, if they don't have the revenue coming in, they could borrow that money and then collect that over a, a short term period, a three-year period, so that they could continue to operate their sewer system. They don't have the ability to levy an emergency tax. You know, we looked at that issue with them and said, well, you know, why, you could issue a, an additional tax on the towns if one of their, your members fails and that emergency tax didn't exist in their budget as would allow them to do it in that fashion. They didn't have a fund balance large enough. Just what we talked about earlier, our fund balance. They have a fund balance large enough that if one of their communities were unable to pay that they could just reach back into their fund balance and, and make, and cover that cost without really substantially deteriorating their fund balance. So we spent, again, many, many meetings. The Mayor participated in these. The Mayors from all the eight towns participated in these. Our CFO, myself, we spent a lot of time with the MDC. The outcome was that they levied a tax on the Town of West Hartford that means that we're going to pay to the City of Hartford, to the Metropolitan District Commission \$2.3 million more than we paid them this year. That's a sizeable increase regardless. But that was the outcome after we tried to figure out other ways to get around it, to postpone it, to make sure that, that we were hurt as, as little as possible. The, the Metropolitan District Commission's interest is to protect themselves against one member not paying, and the agreement is that we would make that additional reserve payment. Their operating cost payment's already going, is

going up by \$600,000. Their reserve payment, which is the money going into this reserve in the event someone fails to pay, is 1.7 million. We wouldn't make that payment until October of next year, and it wouldn't make it until they have default from one of the communities. Now once the, a community defaults, you can go to court. You can go directly to court and say, you know, they defaulted in their payment. And that's what they said to us, that they would go directly to court if they had a default and seek resolution from the court, which might take some time, but they would do that. We would make a payment to them in late October should they not be able to resolve those issues, which if they needed it, they would keep it. If they didn't need it, they would pay it back to the Town of West Hartford. So there's a lot of things moving here. Unfortunately for the Metropolitan District Commission and, and, again Corporation Counsel, my CFO, and myself spent a lot of time going through their Charter, going, through their budgets to try to figure out an alternate means of doing this and this, unfortunately, was the only way we could find. They will go to the legislature, the Metropolitan District Commission will go to the legislature that is coming up and seek changes to their Charter. The Charter says here's how you operate. We have a Charter, they have a Charter, and they're going to seek changes. And so those changes could run a spectrum of things. Short-term financing, you could do a change that says you can do short-term financing. There's a number of things that emergency tax, you could do a change that would allow that, and they're looking at those things. As recent as the, late last week, I talked to the CFO at the MDC, and we had a discussion about what they're going to propose to the legislature. And he didn't have a specific for me at that time but he said that we will sit down with the towns, eight towns, after the New Year and walk through what we think would work for amendments to our Charter. In truth, they will not get anything passed in their Charter unless the towns support them. You're not going to, Danbury's not going to vote in favor of something if the eight towns that make up the MDC go we don't like this. This is not the right thing to do. They need our support. So somewhere after the first of the year, I would expect our Corporation Counsel, myself, and the CFO to sit down and walk through their proposals for the Charter, and we have some thoughts ourselves about what we might see as changes. And we have to learn some things about how they operate and what might work and what might not work. One is a shifting from an ad valorem tax, the tax we pay to them, to a sewer fee. Turn on your shower, the water comes out, you're paying for the water that comes out. It goes down the drain and into the sewer, you pay for the water that goes into the sewer. Right now, they tax the Town for the water that goes into the sewer. You could go to a user fee, and they have some concerns about that. So it's that spectrum that we need to look at with the MDC. I'm certain that we will sit down with them and I'm certain that they will seek our approval for what they're trying to do because if the eight towns don't like what they're going to do, they don't have a chance to get that past the legislature. So there's a lot of work yet to do. The bad news is I, I, we still have \$2.3 million of, of new potential cost to the town. We believe that we will run a surplus this year that will be large enough that we'll be able to take that surplus and set it aside. We won't have to tax that additional reserve that they're asking of us. It's still taxpayer money. I don't want to fool ourselves. It may be a reserve, we taxed for it this year, we didn't, we didn't use it. We're going to, we're going to come in with a surplus. We've come in with a surplus in our budgets for every year for the past many years, so if we run that surplus, we'll be able to take that money, set it aside. In the event that one member doesn't pay, that will then be paid to the Metropolitan District Commission. So there's a lot of financial issues going on here, a lot of governmental and government control kinds of issues here, what the City is able to do with the legislature. If the legislature did something to provide assistance so they didn't

run out of cash then this all goes away. We don't make a payment. That surplus goes into our fund balance to be used in a, in a future year. So there's a lot more to come. I would say that the Town of West Hartford has sort of led the eight towns in how to deal with this issue, and we brought in the expertise locally of, of the people, our Corporation Counselor and our CFO, to make sure we understood exactly what we were doing. So there's a lot more to come. I guess I'll be reporting on this for a few months.

President Cantor: I'm sure you will, and we'll bring this to committees, various committees but probably most of it will go through Finance and Budget, so we will be talking about it. It will be on the Agenda of every Finance and Budget meeting from now until whenever. And so much of this happened in a very, very short period of time. It all really also became critical because of a bond issue that they had. They had bond anticipation notes that were coming due prior to their adoption of their budget, so it, it moved everything in this very rapid, rapid way and, and made it incredibly urgent. And I really want to thank our CFO, Peter Privitera, Pat, our Corporation Counsel, Pat Alair, and obviously our Town Manager, Ron Van Winkle, for just dropping everything and running and, and just doing whatever needed to be done in this very, very short period of time. It did start out with a situation where they wanted the money upfront and just in case, and this was the recommendation from their own Bond Council and we worked it out so that it's really more like a contingency tax and not a reserve in the, in the, in the condition, you know, if, if, it, happenstance that any municipality doesn't pay. So, yes, Mr. Van Winkle.

Mr. Van Winkle: I would say it was unfortunate that the MDC had to ask themselves what would we do if one town didn't pay, and they only asked themselves that question when we asked them, well, what're you going to do if Hartford doesn't pay? And they didn't have an answer, and that's, that was October and they adopt their budget two months later. Most everybody who's following the paper, in the paper what's going on and they realize that Hartford is in trouble and this question of was Hartford going to be able to, was Hartford going to run out of cash was pretty obvious when floating around for several months yet they didn't, they didn't, I, I don't know. I don't know what to say. They didn't think about it. They didn't think it was real. I don't, I don't know, but they did not build that into their discussions when they were looking at the budget. We could've had this discussion in July. The, the outcome might've been similar, but we wouldn't have been rushed to the point of they had to make a decision because of those bonds that were coming due so.

President Cantor: And an important part for any decision that MDC makes, we are 25% of that decision the way it is structured now with ad valorem with, through the sewer fee, which is an average of tax collected calculation, so that, you know, I've, if, if they are, if they are weakened in some way, it's, it's us. I mean, it's really an extension of us, so it is a unique situation and we, well, again, we'll continue to monitor very closely. But thank you very much, again, for all your work on, on this. Anything else?

Mr. Van Winkle: I'd be glad to take questions if anyone has any.

President Cantor: Okay. Any questions for the Town Manager? Mrs. Hall.

Councilor Hall: I guess I know you, both of you have said that we talk about this at committee. I think this was a great discussion here tonight. You did a wonderful job recapping everything. I

think it's also important in our committee to talk about passing a Resolution that will, you know, strongly set out how the Town views this and how we want to look at this going forward so that it's clear that, you know, we are, our, our West Hartford residents come first. I know we have this tie to MDC but, but that we need to put West Hartford residents first. And I think a, a strong statement from us that we all agree on that we can talk about in committee to put that forth that that then is our primary purpose. I think, you know, even we saw last night or in the news where when Mayor Bronin was in Rocky Hill, their State Legislator came to the meeting and said there's no money at the State and don't think you're getting any more PILOT money. So, as much as the Mayor is looking for legislative support to help his position, it's, it's not like the State has, they're looking at, what, a \$1.7 billion deficit. So the thought that they're going to come up with money to get Hartford and the MDC out of this problem I think is remote. And I just, I think it would be good for us to have a clear statement as to what we, what we want to see in the Charter and how we're interpreting the MDC's vision of, of the changes that they're going to make because part of the reason everyone is rushing around for Charter change is because there was so much ambiguity. And, and I'm not an attorney but I've got some friends and coworkers here that are attorneys, and I think, there is some, it's not altogether clear what authority the MDC does have. So I look forward to talking about that together, making sure we can come up with something that we all agree on but that very clearly puts out what West Hartford's position is on this issue.

President Cantor: Yeah, I think it is, that is a goal and I, I would like to make sure that we include any recommended legislative changes in there. But, again, we are, we are the MDC so we cannot, again, threaten the bond rate. I'm concerned about, you know, long-term damage, so we have to be careful of the way we word something because it could have a long-term impact, a negative impact on the Town of West Hartford.

Councilor Hall: It's a unique kind of circular reference.

President Cantor: It really is so, so we have to give it some thought and, and, and figure it out. I will also say that, yes, there was ambiguity but nobody when this was developed foresaw this as an issue. They, Hartford was the one that was paying, had the large Grand List. Now they have a Grand List the size of Farmington, and we were the probable more at risk for, and nobody thought there were be non-payment and that, that bankruptcy kind of a situation or, or this kind of distressed city kind of situation would happen so this was...

Councilor Hall: The Black Swan event you could call it.

President Cantor: Exactly. Anyway but much more to follow so. Anything? Mr., Mr. Williams.

Councilor Williams: Thank you, Madam Mayor. Mr. Manager, I just wanted to touch base on what Councilwoman Hall said and sort of go from there. At the last Finance and Budget meeting, Councilman Barnes introduced a Resolution with respect to the scope of the MDC authority, correct?

Mr. Van Winkle: Correct.

Councilor Williams: All right. Now, in terms of starting a conversation about how we deal with the MDC, how would a Resolution like that get onto a Subcommittee Agenda?

Mr. Van Winkle: Generally, the Town Manager might propose it.

Councilor Williams: Okay.

Mr. Van Winkle: The Committee Chair might propose it.

Councilor Williams: Okay, so there's no specific mechanism other than requesting that it be put on?

Mr. Van Winkle: Generally not.

Councilor Williams: Okay.

Mr. Van Winkle: It's, generally, there's not much controversy in it.

Councilor Williams: Okay, so, so what happened, just, if I could work through you, Mr. Manager, is that there is between myself, Councilman Barnes, and Councilwoman Hall some question as to whether or not the MDC has the authority to pursue a reserve fund, not whether or not this one-time payment is appropriate but the authority. Fair to say we attempted to capture that in the Resolution. Yes, okay. And I would just like to, as we approach this conversation of the MDC, express something to the Council here. I've sat on this body for a little over a year and I've been shocked to the extent to which the MDC time and time again is reckless with its policies, management, and communication to member towns. Their latest example is the so-called reserve fund to protect itself against a potential Hartford default. And as you discussed so eloquently, I mean, I, it's resulted in a 26% tax increase or \$2.3 million to us. And I know you don't take it lightly, and although it's going to be paid out of surplus, it's still residents' monies that we could use elsewhere. And regardless of the appropriateness of this one-time payment and for the following four reasons, I think it is very important that a Resolution by this town that identifies that the MDC does not have the authority to pursue a reserve fund, proceed, be heard, and be voted upon because this, MDC should be put on notice that we will not accept its use in the future. First, the MDC must dramatically improve its financial foresight, particularly in light of Hartford's financial woes. For example, the MDC, as you said, waited until October 2016 to consider Hartford's potential default when the Mayor of Hartford was testifying before the General Assembly in March. He was crying to anyone, decrying or declaring I should say, he wasn't crying, but basically upon his inauguration. I, I think it's doubtful that the MDC would be as diligent in considering its financial options if it believes that it can simply utilize a reserve fund in the future. Second, the MDC Charter in law does provide the MDC with some mechanisms with respect to recouping money in the extent, in the instance of a potential MDC default, particularly against Hartford property owners including the massive corporations that lie there. I'm not saying it's a good option, but it does exist. Third, the MDC has already provided some insight into what future reserve funds could look like to member towns. Remember the MDC was originally asking for 15 million and then it, it dropped to a generous 7.3 million. I mean, what could we be looking at next year if Hartford is defaulting? Fourth and finally, if we recognize the reserve funds legitimacy then I think we will prevent the fundamental change we need in how the MDC operates. We need leverage in these discussions. And to that end, Mr. Manager discussed how Councilman Barnes introduced this potential Resolution at the last Finance and Budget meeting. There were MDC representatives present. They received copies of the Resolution, and not one of them commented that our Resolution was legally wrong or misguided. And during that meeting, those same MDC officials stated that they would be looking at their Charter to fundamentally change it not to, in, in a manner that would preclude any need for the future use of a reserve fund. Now following that meeting, in contrast to...what the MDC officials express, I came across language that was circulated among the MDC

Commissioners, and I gave you copies of that. And what that language stated was that it was essentially a change to render permanent the ability of the MDC to recoup funds from other member towns in the instance of a default by any member town. I interpret that as a permanent drafting of the reserve fund, and it's a far cry from the fundamental change that, that were promised by the MDC representatives at the Finance and Budget meeting and I would, I would argue it's an admission that they don't have the authority in their Charter to pursue the reserve fund in the instant, in, in the first place. They use the word revenue. That's one of the words they're trying to add in with respect to sort of the reserve fund dichotomy. The, the term revenue is not present in the Charter in the areas of the Charter that they are relying upon to form the basis of the reserve fund in the first place. It's my sincere hope that this language is a mistake and not being seriously considered by the MDC, but I cannot help but remember that this is the MDC. This is the same MDC that told us that the Niagara Bottling deal was done openly and publicly, told us that our worry about Niagara's impact on the environment was misplaced because the prospects of a drought were low. They told us that the CEO's salary this year, which included a \$14,000 raise to a total of \$301,000 is reasonable. They told us the CEO earning a two- year pension credit for every one year worked is acceptable. They told us on October 28 that West Hartford's tax increase would be 7.3 million or 81%. Now that number, through your hard work, and I do tip my, my hat to the Mayor, your hard work as well, that has been reduced, that has been reduced to 2.3 million. It's the same MDC that has told us on November 16 that it would not need to implement the reserve fund then the next day they said they need to implement it. God bless you, Mr. Manager. The same MDC is now telling us that it's going to work with us to amend its Charter and fundamentally reorganize to avoid the need for a future reserve, but yet we find ourselves seeing these sorts of proposed changes that seem inconsistent with that. I believe very strongly that this town needs to publicly articulate our rights under the Charter and the limits of the MDC's authority under that same Charter that the MDC is forced to negotiate collaboratively and honestly as it hopefully changes for the better moving forward. I really hope that my colleagues on the Council will at least be open to the prospect of considering our, our position. Thank you, Mr. Manager.

President Cantor: Thank you, Mr. Williams. Mr. Barnes?

Councilor Barnes: Thank you. Well, first, I'd like to, to thank Mr. Williams for all of his hard work on this issue and, and going through that, that history for us, and needless to say, I concur. But I think what it, it does, it's part of a larger discussion. The reality is that we're going to be facing some very difficult budget cycles not only for the Town, for the State, the City of Hartford certainly has its own challenges, which are going to impact the MDC. They're going to impact us as well. And that's going to present a lot of challenges. And as a Town Council, as a body, our job is to look out for our town and for our town residents and being able to anticipate these issues before they're presented to us like they were recently kind of on the eve of an important decision being made. So, you know, I look forward to having a full discussion about the MDC and, and, you know, their rights and, and how we're going to go forward, particularly in light of, you know, the, the reception that, that Mayor Bronin in Rocky Hill that was covered in The Courant today, being told that, you know, that there wasn't going to be extra or additional money to fully fund the PILOT. That's, that's a big deal. That was Mayor Bronin's really principle ask when he came last week as something that was a must-have for him to be able to weather the current storm that, that he's facing. And if that's not an option because of the condition of the

State budget, that's going to roll downhill so to speak. Those are going to be issues that we're going to need to deal with not only with the MDC but in other ways as well. So, you know, like I said, I, I thank Mr. Williams and, and I look forward to having the conversation because we're going to need to do, you know, a lot of work to protect the residents here in town. The last comment I'll make is last week during Mayor Bronin's presentation, I made some comments about regionalization and how some of the, the smaller ideas that were being tossed around were kind of small dollar ideas and not the types of ideas that would really change his financial situation and then what I said was that the kind of the biggest drivers or the biggest drivers of a budget are really education, the schools, public safety, and I believe I mentioned public works as well. It's come to my attention that some people in the community thought that I was advocating to regionalize our school system. I don't know if anyone on the Council or our Town Manager has heard that. I heard that of all places at church. Somebody thought that that's what I was proposing. It's not. What I was simply doing is pointing out facts that, you know, you can regionalize certain low dollar functions and that's not going to get the job done, and if regionalization is a concept that people want to, you know, research and think about, they really need to think about it in terms of those larger dollar functions. My position is that we need to find a way, Hartford needs to find a way to take care of itself. So Hartford needs to take care of Hartford. West Hartford takes care of West Hartford, so on and so forth, so we need to figure out a way for them to be able to do that without having some type of forced regionalization where it would likely cost more and create less in efficiency. So I just wanted to take that opportunity to the extent that if there were any teachers or others out there that were worried about, you know, regionalizing or the fact that I would support regionalizing our schools, that's not the case. It was simply to, to point out the facts so people understand when we talk about regionalization, what we're really talking about. So thank you.

President Cantor: Thank you, Mr. Barnes. Mr. Davidoff.

Vice-President Davidoff: Thank you, Madam Mayor. I, I'd like to thank first the Manager for his remarks and clarification as to what transpired with respect to the MDC. I think it was an accurate statement this evening as to what transpired and what questions we asked and what plan we've sought with respect to the impact on West Hartford and on its residents. And along with Mr. Privitera and Mr. Alair, they were instrumental in holding down the impact to our community. But there was one person who was not mentioned and that's our Mayor, who is there every day working on this in some type of fashion, rallying with other leaders in other communities because this isn't something that's just affecting West Hartford, it's also affecting all the towns of the MDC. And if anyone has seen Mrs. Cantor in action, Mayor Cantor in action, when she is confronted with a problem that's going to adversely affect our community, she takes the necessary steps to make the contacts, to make certain that she rallies around the team that's necessary to protect our interests and accomplishes results. And I think what we got here in the end was a result of her determination along with our professional staff who led the charge for all the member towns of the MDC to get to where we are today. So as one member of this body, I'd like to publicly acknowledge your efforts on behalf of our community. I think it's one of the biggest issues that has, you've been involved in since you've assumed the role of being Mayor of our community, and one that's going to require our constant attention going forward. With that said, it's also going to require all of us to work with our state delegation to make certain that they understand what's happening with respect to our financial needs and be

able to approach a resolution to this difficult situation in a way that will cause no harm to the Town of West Hartford. And I think that's key. We can, we can take a lot of steps in, in doing something, but when you do it, we always have to make certain that we don't create harm in what we're trying to do. And to date, we have taken, I think, a very reasoned, a very prudent approach to dealing with the MDC, and I think more of the story lies ahead, but I'm confident with the management team we have place as well as our Mayor as our leader of our community, I think we will be well-served as we move forward. And I thought it was very important this evening to get those remarks on the record.

President Cantor: Thank you, Mr. Davidoff. Anybody else? Okay. Much more to follow. All right. Announcements, number 20.

ITEM #20 - ANNOUNCEMENTS

President Cantor: And we have a lot, so I'll sort of go through it quickly. It's a busy time of year. Children's Holiday Party, gift card donations needed. Social Services Office is holding a special holiday party for children ages 12 and younger for, from income, for I think income-eligible families it's supposed to be, on Tuesday, December 20 at 5 p.m. in Town Hall Auditorium. The party features pizza, make your own ice cream sundaes, and of course a photo with Santa. Children will decorate a paper frame for the special photo. At the end of the night, parents are given gift cards to help purchase holiday presents for their children. This year, over 200 families and over 400 children are registered for this party. If you want to help with these West Hartford families have a happy holiday, consider purchasing a gift card from Walmart, Target, Toys R Us. Drop off your donations by Monday, December 19, Room 304 in Town Hall. The West Hartford Food Pantry is in need of volunteers, of a volunteer to help Wednesday afternoons from 1 - 2. The volunteer will be responsible for bringing boxes of food with the use of a cart and elevator from the first floor storage area to the pantry located on the third floor of Town Hall. The volunteer must be able to lift 25 pounds. If you are interested in volunteering, call Barbara Roberts at (860) 561-7567. Screening and author signing. The American Legion Hayes-Velhage Post 96 will host a, a screening and book signing of "American St. Nick - A True Story" by multiple Emmy winning producer/director/journalist Peter Lion at the West Hartford Noah Webster Library, December 15 at 6:30. The event is free and open to all. The Noah Webster and West Hartford Historical Society will host a Victorian holiday dinner featuring early American delicacies, signature festive drinks, and traditional holiday recipes on Thursday, December 15 at 6. While enjoying a Dickens-style three course meal, guests will be entertained by musician, Tom Hooker Hanford, dressed in Victorian costume. Mr. Hanford will explore 19th century American Christmas and its evolution from the raucous celebration to a more family-oriented Christmas that we know today. Tickets are \$50 for nonmembers and 45 for members. Please call (860) 521-5362 ext. 15. A Chanukah Fair. Mandell JCC is ready to celebrate the season with eight nights of fun rolled into one on Sunday, December 18, 3 - 4:30, at the Mandell JCC, 335 Bloomfield Avenue, West Hartford and it is free. Preregistration is requested. American Red Cross encourages eligible donors to give the perfect gift by donating blood during the holiday season. They will have a blood drive on December 22, 12 - 5:30, and all that come to donate between December 22 and January 4 will receive a long-sleeved Red Cross t-shirt that you're going to have to pull up to donate blood. Everyone is invited to celebrate Hanukah as

they observe a master ice carver sculpt a giant menorah on Fire on Ice event on Sunday, December 25 at 4 p.m. in Blue Back Square. Free program will feature a grand fire and ice show and construction of a huge Lego dreidel. Live Jewish music and entertainment activities for all. Yosi's Kosher Catering will be available for sale, food from, from Yosi's, and event will be sponsored by Chabad of Greater Hartford. Children ages 5-12 are invited to meet friendly, scaly feathery, and fuzzy new friends at Elmwood Community Center on Thursday, December 29, 1 - 2. Tickets are \$5 per child. Guardians are fee. Registration in advance by calling (861) 561-8160 for tickets. Anybody else have any announcements? Okay. Go ahead.

Councilor Casperson: Thank you, Madam Mayor. "Pinkalicious the Musical," the first production for the theater for young audiences series at Playhouse on Park tells a story of a girl named Pinkalicious because she can't stop eating pink cupcakes. This production is geared towards younger audiences, especially those pink-loving enthusiasts. "Pinkalicious the Musical" runs through December 18. Show times are Saturday and Sunday, 1 p.m. - 4 p.m., 1 p.m. and 4 p.m. and Wednesdays at 10 a.m. and 2:30 p.m. Tickets range from \$16 - 18. To purchase tickets, call (860) 523-5900 ext. 10 or visit www.playhouseonpark.com or .org. Thank you.

President Cantor: Thank you, Mrs. Casperson. Anything else? Okay. Number 21, Reports from Corporation Counsel, Mr. Alair.

ITEM #21 - REPORTS OF CORPORATION COUNSEL

Mr. Alair: How can I follow Pinkalicious? I mean, I am wearing my pink tie, though. I have one item I wanted to mention very briefly. We are required by Charter every 10 years to do a Recodification Ordinance. It is an awful task. The purpose of the Ordinance is simply to go through our entire Code page by page and look for anything that's out-moded, outdated, incorrect, statute numbers get changed, section numbers need to be replaced, what have you, and clean up that technical stuff. It's not supposed to be nor has it ever been, as long as I've been here, an attempt to change anything substantive. And for that reason, the Ordinance is actually the only Ordinance which you adopt without a Hearing. You receive it and adopt it like a Resolution for all intents and purposes. And the reason, and that's going to be coming to you in the spring of 2017. You know, this is the trailer for that. The, the, the reason I mention it tonight is you received tonight an Ordinance, which you have set for Hearing in January, changing the names of certain town departments. It's a very short-form Ordinance as you will see, and I'm not going to get into the, the details or, or preview that Hearing, but the reason it's a short form, the reason that we're doing it now is to set up our ability then to take that, what's already going to be a massive Ordinance and put all of those name changes in all of the sections as part of that Ordinance rather than doing what would be, in essence, be a 50 page Ordinance now, going through and finding every place where each of those names exists. So if you're looking at it and going, gee, this seems like a slapdash, there's actually a reason for it, and I wanted you to know that at, before, before you read it and questioned our judgment. With that, I have nothing further to report but I'm happy to answer any questions.

President Cantor: Thank you, Mr. Alair. That is helpful. Anybody else have questions, anybody have questions for Mr. Alair? Okay. Then we will go on to Appointments. Mrs. Hall, would you like to do yours, and we'll move them together?

ITEM #22 - APPOINTMENTS

Councilor Hall: Sure. I would like to make a motion to reappoint Dennis Swanton as Town Council Zoning Alternate for a term expiring December 31, 2019.

President Cantor: Karyl Shaughnessy reappointed to the Human Rights Commission for a term ending 12/31/2019; Judith Kelly reappointed to the Human Rights Commission for a term ending 12/31/2019; Sarah Needham reappointed to Parks & Recreation Commission for a term ending 12/31/2019; Matthew Macunas reappointed to Conservation & Environment Commission for a term ending 12/31/2021; Melinda Montovani reappointed to Persons with Disabilities Commission for a term ending 12/31/2019; Paula Stabnick reappointed as Town Council Zoning Alternate for a term ending 12/31/2019; John O'Connell appoint from Alternate to regular member on the Board of Assessment Appeals for a term ending 12/31/2019; Jonathan Dixon appoint from Alternate to regular member on the Board of Assessment Appeals for a term ending 12/31/2019; Brian Sullivan appointed as Board of Assessment Appeals Alternate for a term ending 12/31/2019; Dana Gordon appointed as Board of Assessment Appeals Alternate for a term ending 12/31/2017; David Mello appointed to the Clean Energy Task Force; Denise Jackson-Riley appointed to the Human Rights Commission for a term ending 12/31/2019; and Sarah Raskin appointed to the Human Rights Commission for a term ending 12/31/2019. Did you want to?

Vice-President Davidoff: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. I want to give a special shout out to Ms. Labrot for a lot of hard work on this because we're really restaffing a lot of our, our Commissions. All right. Let's see, number 32, Mr. Davidoff.

ITEM #32 - CONSENT CALENDAR

ADOPTED

ITEM #12 – RESOLUTION TO APPROPRIATE \$4,500 RECEIVED FROM CONNECTICUT GREEN BANK IN THE FISCAL YEAR 2016-2017 CAPITAL PROJECTS FUND BUDGET

WHEREAS, the Connecticut Green Bank is a quasi-public agency established to promote and support the growth, development, and commercialization of clean renewable energy sources and to stimulate demand for clean renewable energy and the deployment of clean renewable energy sources, and

WHEREAS, the Town of West Hartford has entered into a Clean Energy Communities Program Memorandum of Understanding Agreement (the "Agreement") with Connecticut Green Bank for the purchase and installation of a data monitoring system for the solar PV system at Westmoor Park and an Electric Vehicle Charging Station at Town Hall, and

WHEREAS, per the terms of Section 2 of the Agreement, Connecticut Green Bank has committed reward funds to the Town in the amount of \$4,500 for these projects, and

WHEREAS, the Town desires to appropriate said funds for the purposes outlined in the Agreement,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD, that the reward funds payment earned on the renewable track of the Clean Energy Communities program to purchase and install a data monitoring system for the solar PV system at Westmoor Park and an Electric Vehicle Charging Station at Town Hall, is hereby appropriated and the Fiscal Year 2016-2017 Capital Projects Fund budget is hereby amended as follows:

Estimated Revenue

41-811615-91019-9074	Grant Revenue	\$4,500
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Increase Appropriations

41-811615-91019-3091	Energy Conservation	\$4,500
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ITEM #15 – RESOLUTION APPROPRIATING \$2,800 IN THE FISCAL YEAR 2016-2017 GENERAL FUND BUDGET FOR THE PURCHASE OF BICYCLES FOR THE WEST HARTFORD POLICE DEPARTMENT

WHEREAS, the West Hartford Police Department has an established Police Bicycle Unit that operates out of the Community Relations Division, and

WHEREAS, the department has need for two new mountain bicycles to assist with patrol activities, and

WHEREAS, the Police Bicycle Squad conducts classes on bicycle patrol and collects fees for said classes, and

WHEREAS, said funds are available for appropriation for the purchase of two (2) new police bicycles,

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD authorizes the purchase of two (2) bicycles for the Police Bicycle Unit and hereby amends the fiscal year 2016-2017 budget of the General Fund as follows:

Estimated Revenues

01-220202-20401-9247	Charges for Services	\$2,800
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Appropriations

01-220202-20401-2103	Equipment	\$2,800
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ITEM #18 – RESOLUTION TO AMEND THE FISCAL YEAR 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGETS BY APPROPRIATING PRIOR YEAR UNEXPENDED GRANT FUNDS

WHEREAS, the Community Development Block Grant (CDBG) Fund and the CDBG-Housing Rehab Fund have unexpended grant monies available to carryover from the fiscal year 2015-2016 entitlement and it is the desire of the Town to make said funds available for grant activities in fiscal year 2016-2017,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD, that the fiscal year 2016-2017 CDBG (Fund 13) and CDBG-Housing Rehab Fund (Fund 14) budgets are hereby amended as follows:

Fund 13

Estimated Revenues:

13-401950-30506-9086 Public Facilities	PY Intergovernmental Revenue	\$496,500.50
13-401900-40191-9086 HANOC	PY Intergovernmental Revenue	\$2,061.71

Appropriations:

13-401950-30506-4058 Public Facilities	Capital Projects (on-going)	\$3,500.00
13-401950-30506-4058 Public Facilities	Capital Project - Paving	\$150,000.00
13-401950-30506-4058 Public Facilities	Capital Project – Cornerstone Interior	\$118,000.00
13-401950-30506-4058 Public Facilities	Capital Project – Eisenhower Park Fac.	\$100,000.00
13-401950-30506-4058 Public Facilities	Capital Project – ECC Site Improve.	\$95,858.75
13-401950-30506-3290 Public Facilities	Public Private Partnerships	\$29,141.25
13-401900-40191-1007 HANOC	Temporary Payroll	\$2,061.71

Fund 14

Estimated Revenues:

14-301400-30403-9086	Housing Rehabilitation	PY Intergovernmental	\$250,000.00
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Appropriations:

14-301400-30403-2622	Housing Rehabilitation	Grant/Loan Control	\$250,000.00
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ITEM #23 – FROM TOWN PLAN AND ZONING – RE: SUBSTITUTE RESOLUTION AUTHORIZING THE TOWN MANAGER TO OBTAIN EASEMENTS FROM THE STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, FOR THE TOWN OF WEST HARTFORD PARK ROAD/I-84 IMPROVEMENTS. RECOMMENDING APPROVAL.

ITEM #24 – FROM TOWN PLAN AND ZONING – RE: RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A LEASE OF CERTAIN LAND AT SEDGWICK ROAD. RECOMMENDING APPROVAL.

ITEM #25 – FROM TOWN PLAN AND ZONING RECENT PLANNING ACTION – RE: 1344 NEW BRITAIN AVENUE; 2022 ALBANY AVENUE

ITEM #26 – MINUTES FROM SPECIAL SERVICES DISTRICT - 11-9-2016

ITEM #27 – MINUTES FROM COMMUNITY PLANNING AND PHYSICAL SERVICES COMMITTEE – 11-15-2016

ITEM #28 – MINUTES FROM FINANCE AND BUDGET COMMITTEE – 11-2-2016

ITEM #29 – MINUTES FROM HUMAN SERVICES COMMITTEE – 11-7-2016

ITEM #30 – MINUTES FROM PUBLIC SAFETY COMMITTEE – 11-3-2016

ITEM #31 – MINUTES FROM FINANCE AND BUDGET AND ADMINISTRATION AND TECHNOLOGY COMMITTEE – 11-21-2016

Vice-President Davidoff: Thank you, Madam Mayor. I move adoption of the Consent Calendar.
Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. No Communications, no Petitions, no Executive Session. I move that we adjourn.

ITEM #36 - ADJOURNMENT

Vice-President Davidoff: Second.

President Cantor: Motion's been made and seconded, and I just want to wish everyone a happy, healthy, joyful, and peaceful holiday season. Thank you.

Meeting adjourned at 9:00 P.M.



Essie S. Labrot
Town Clerk/Council Clerk

ESL/dd

APPROVED AT JANUARY 10, 2017, TOWN COUNCIL MEETING

ATTACHMENT A

November 16, 2016

Honorable Members of the West Hartford Town Council
Town of West Hartford
Town Hall
50 South Main Street
West Hartford, CT 06107

RE: Modification of SDD #6; 1445 New Britain Avenue, West Hartford, Connecticut

Dear Mayor Cantor and Honorable Members of the Town Council:

Application is hereby filed on behalf of Seritage SRC Finance LLC ("Seritage" or the "Applicant"), owner of 1445 New Britain Avenue, West Hartford, Connecticut (the "Property"). The Applicant proposes to modify the existing approved SDD by modifying the existing buildings on 1445 New Britain Avenue as well as modifying the site layout and landscaping in connection with the same. Both the Sears retail store and the Sears auto center will be redeveloped and re-used for multiple retail and restaurant tenants. The redeveloped retail building will contain 151,750 square feet and the redeveloped auto center will contain 34,250 square feet (which includes 13,300 SF of unusable basement space). The facades of both buildings will be updated and refurbished. In addition the site parking, signage and landscaping will be redesigned, replaced and/or updated as shown on the application plans. This letter, together with the accompanying plans and reports, constitute the Applicant's request to modify SDD #6 as shown on the attached plans ("Application").

A legal description of the boundary of the property that is the subject of the Application is attached to this letter as Enclosure A, which, together with Enclosures A - L described at the end of this letter, should be deemed incorporated as part of the Application.

Although the owner of 1459 New Britain Avenue does not own any of the property that is the subject of this application, we have sent by first class mail, postage prepaid, a copy of this application to such owner. Although we do not believe it is applicable, in an excess of caution we are requesting that the requirements set forth in Section 177-44C(1)(a) that all owners sign the application be waived in accordance with the provisions thereof.

Planning for this development began approximately a year and a half ago, when Seritage acquired title to the property. Over the past several months, Seritage and its consultants have been meeting with Town staff, the Design Review Advisory Committee ("DRAC") and interested individuals in West Hartford. Seritage has gone through several iterations of proposed plans, attempting to address therein all concerns raised by DRAC and Town staff. We believe that the plans presented to the Town Council as part of the Application and the implementation

of those plans will be a significant upgrade to the existing development on the Property, will revitalize a tired property, adding significantly to the tax rolls, and will be an asset to the West Hartford community.

OVERVIEW OF PROPOSAL:

As mentioned above, the Applicant proposes to redevelop the existing buildings on the site as shown on the plans submitted as part of the Application. The original Sears building was constructed sometime in the 1950's. Since then, there have been minimal changes to both the buildings and the site, both of which are in dire need of updating and redevelopment. The redeveloped Sears building will contain 151,750 square feet and the redeveloped auto center will contain 34,250 square feet (which includes 13,300 SF of unusable basement space). It is intended that the uses in the Sears building will be primarily retail while the redeveloped auto center will include both retail and restaurant uses. The revised parking area will result in an increase of 58 parking spaces, bringing the total number of parking spaces at the shopping center to 1,689 spaces. In addition, the parking areas will be modified as shown on the plan to provide for safer circulation for both vehicles and pedestrians and for additional landscaping. Existing landscaping will be cleaned up and updated. The overall feel of the redeveloped center will be more up-to-date, vibrant and welcoming.

An additional part of this application is the creation of sign design guidelines that will govern the signs that will be placed on or about the redeveloped buildings. These design guidelines set forth the criteria that a tenant must adhere to if they would like obtain staff, as opposed to Town Council, approval of a sign. The primary reason for this is that the Applicant does not have known tenants for a large proportion of the building square footage. In order to simplify the occupancy of the unleased space and expedite approval of signs, the Applicant would like to obtain approval for the sign design guidelines as part of this application.

The Applicant requests that the following substitute standards become applicable to this SDD in lieu of those set forth in the BG and other zoning regulations:

1. Parking Space Size, Aisles and Number: Substitute standards for parking space size, aisles and number as shown on the plans.
2. Parking Lot Landscaping and Screening: Substitute standards for parking lot landscaping and screening as shown on the plans, including number of trees required.
3. Screening from Residential District: Existing screening to remain as shown on the Material Boards Aerial.
3. Signs: Substitute standards for number, size, location, type and height as shown on the plans and as described in the sign criteria submitted with this application.

TRAFFIC AND PARKING CONSIDERATIONS:

McMahon Associates has prepared a Traffic Impact Study with respect to the activities and uses included within the Application (the "TIS"). The TIS is attached hereto as Enclosure G. The TIS indicates that the proposed project should not adversely impact traffic operations in the area, nor should it alter the levels of service in the nearby intersections. Last, no external traffic improvements are required as a result of the added traffic. The Applicant is, however, proposing to update the geometry of the easternmost driveway to provide a better alignment with the signalized intersection. The TIS also indicates that the revised site will provide sufficient parking to adequately address the needs of the development.

DESIGN AND LANDSCAPING ELEMENTS:

The design and layout of the site were dictated by the desire to update the site, to provide safe pedestrian and traffic circulation, to provide an aesthetically pleasing location while also ensuring visibility and interaction with and encouragement of pedestrian traffic and to highlight the site as an entryway into the Town of West Hartford. The façade modifications were designed to provide excitement and interest while being flexible enough to provide for different possible tenants, without being cookie cutter or boring. Significant time was spent coming up with a design that would accomplish all of those goals without being too overpowering or inconsistent with surrounding development.

The landscape design on the site was planned to accomplish several goals, which included compliance, to the extent possible, with the existing zoning requirements, provision of appropriate screening and aesthetically pleasing design that complements the modified buildings and site design.

WATER, SEWER AND STORMWATER CONSIDERATIONS:

Bohler Engineering ("BE") has prepared a Stormwater Drainage Analysis that is attached hereto as Enclosure H. In addition, BE has also contacted The Metropolitan District and the Health Director regarding availability of water and sewer to serve the project. Letters from each are attached hereto as Enclosures I and J and indicate that both water and sewer are available to service the proposed development of the Property. The Stormwater Drainage Analysis indicates both that the peak rates of stormwater runoff discharging to neighboring properties for the 2-, 10-, 25- and 100-year storm events will be less after development than prior to development. The report concludes that the proposed stormwater management design as presented in the Application will not pose any significant detrimental impacts to the environment surrounding the site.

NEIGHBORHOOD CONSIDERATIONS AND COMMUNITY OUTREACH:

The Applicant has retained Coursey & Company ("CC") to perform community outreach in conjunction with this project. A copy of CC's preliminary report is attached hereto as Enclosure F.

PURPOSE AND COMPLIANCE WITH POCD:

The Application is consistent with the goals and objectives of the Town's Plan of Conservation and Development, a discussion of which follows below.

Economic Development: The goal for economic development is to promote economic growth while retaining existing businesses and protecting the character of the surrounding neighborhood. Additional goals include promoting private investment and redevelopment of underutilized properties to achieve a higher level and quality of land use as well as promoting and reaffirming high quality development standards. The proposed redevelopment will certainly meet each of these goals, providing for significant private development to redevelop an old and tired shopping center to a higher level with quality design elements and tenants.

Traffic and Transportation: The goal for traffic and transportation is to promote a system that provides the best possible service, mobility, convenience and safety while reinforcing positive influences on the Town. The proposed redevelopment is ideally situated to provide both easy and convenient highway access, taking advantage of the regional roadway network, without adversely impacting Town streets, traffic and circulation and is served by excellent access to public transportation, with a bus stop inside the shopping center.

FINDINGS:

The modification of the existing SDD to allow the Applicant to redevelop a very tired and old property in Town, together with all attendant parking, landscaping, lighting and signage, is deemed appropriate for the following reasons as set forth in the Zoning Code Section 177-44B:

1. The proposed modifications as set forth in the Application are in harmony with the overall objectives of the Comprehensive Plan as they provide a high level of design while allowing for the redevelopment of an existing underutilized property.
2. The proposed SDD is superior to a plan possible under the regular standards of the Regulations because of the additional scrutiny allowed in the building design and layout process. In addition, the minimal substitute standards in the standards presented in the application will benefit the design and use of the Property by allowing for the economical redevelopment of the Property in a manner that will both allow for the proposed uses on the site while providing for enhanced landscaping, additional parking and a safer site configuration than what currently exists. An added bonus is that the redesign will bring the Property more closely into compliance

with current regulations than what exists out there today and what was previously approved for the site.

3. The proposed improvements are clearly in harmony with the neighborhood. Seritage has worked closely with Town staff and DRAC to ensure that the materials used in and the new facades of the redeveloped buildings will be appropriate for this area. The proposed improvements will not have a deleterious impact on the character of this area, on the neighboring residential uses or on the orderly permitted development of the adjacent commercial properties.

4. The total density of the development in terms of floor area and land coverage is not greater than permitted in the district in which the premises is located.

The proposed Ordinance, application fee and information required pursuant to Section 177-44 of the Zoning Ordinance are enclosed.

Respectfully submitted,
Seritage SRC Finance LLC

By: 

Susan A. Hays
Updike, Kelly & Spellacy, P.C.
Its Attorney and Authorized Agent

Enclosures:

- ENCLOSURE A – Description of property subject to SDD
- ENCLOSURE B – Proposed Ordinance
- ENCLOSURE C - Affidavit of Interest
- ENCLOSURE D – Description of Proposed Uses
- ENCLOSURE E – Community Outreach Report
- ENCLOSURE F – Traffic Impact Study
- ENCLOSURE G – Stormwater Drainage Analysis
- ENCLOSURE H – Letter from The Metropolitan District
- ENCLOSURE I – Letter from West Hartford Director of Health
- ENCLOSURE J – Application Fee Check made payable to Town of West Hartford
- ENCLOSURE K – Sign Design Criteria
- ENCLOSURE L – Plan set entitled “The Corbin Collection, SDD #6 Modification Application for Proposed Commercial Development” prepared by Bohler Engineering, Inc. and SA Group LLC